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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 3498 of 2007

Petitioner

Kartik Ram Sahu S/o Jagannathya Sahu, Aged about 60 years, R/o Mohtara Village, Patwari Halka No.26, Bhilaigarh Tahsil, Raipur Dist, C.G. State.

Versus

Respondents

1. State of C.G. Through Secretary (Revenue) Govt. of C.G. DKS Bhawan, Raipur, C.G. State
2. Dist. Collector, Raipur, CG State
3. Tahsildar, Bhilaigarh Tahsil Dist. CG State
4. Nai-Tahsildar, Bhatgaon, Bhilaigarh Tahsil, Raipur Dist, C.G. State

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri K. R. Nair, counsel for the petitioner.
Shri A.S. Kachhwaha, Govt. Advocate for the State/respondents.

ORAL ORDER

(Passed on 25th June, 2007)

(1) With the consent of learned counsel for the parties the matter is heard finally. Learned counsel appearing for the petitioner submits that the petitioner was granted Patta of the land bearing Khasra No.1551/1JA and 1551/1/JHA total area .766 hectare, situated at Village Mohtara Patwari Halka No.179, Tehsil Baloda Bazar, Tahsil Bhilaigarh, District Raipur on 23.10.1972 (Annexure P-1). The Tehsildar, Bhilaigarh on the basis of some complaint initiated a proceeding for cancellation of the said Patta.

(2) The petitioner filed an appeal, being appeal No.22A/74 year 2005-06. In an appeal filed before the Additional Collector, Baloda Bazar, the Additional Collector vide order dated 22-08-2006 (Annexure P-5) held that the action taken by Naib-Tahsildar, Bhatgaon in the matter was not in consonance with Section 30 of the Chhattisgarh Land Revenue Code, 1959 and accordingly directed the Tahsildar, Bhilaigarh to transfer the matter. Thereafter again, by the order dated 04.10.2006 (Annexure P-6) the Additional

Collector, Baloda Bazar, passed the same order and directed the Tehsildar, Bhilaigarh, to withdraw the matter from the Court of Naib-Tahsildar. Despite the above stated order of Naib-Tahsildar, Bhatagaon, learned counsel submits that the Naib-Tahsildar has proceeded with the matter and no action is being taken by the higher authorities.

(3) In view of the above stated facts, the Collector, Raipur is directed to ensure the compliance of the order dated 22-08-2006 (Annexure P-5) and 04-10-2006 (Annexure P-6) passed by the Additional Collector, Baloda Bazar in case No.22A /74 year 2005-06 forthwith, within a period of two weeks.

(4) In view of the foregoing, this matter stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Karuna